THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.8865 OF 1995

DATE: 12th September 2006

Between:

Pranaya Kumar, son of S.L.Seimon,
Aged 44 years, Occ: Senior Assistant,
Office of the DCTO, Nizamabad Division,
Resident of Nizamabad.

…. Petitioner.

And

1. The Deputy Commissioner,
   Commercial Taxes, Rural Division,
   Hyderabad and 3 others.

…. Respondents.

* * *

ORDER:

This writ petition is directed against the show cause notice dated 20th February 1995, issued by the Deputy Commissioner, Commercial Taxes, Rural Division, Hyderabad.

2. It appears that the petitioner is working as Senior Assistant, Commercial Tax Department, Nizamabad. He was appointed in the department initially as Junior Assistant vide proceedings dated 10.10.1975 of the Deputy Commissioner,

Commercial Taxes, Nizamabad, against a vacancy reserved for scheduled caste candidate on the basis of a schedule caste certificate produced by him indicating that he belongs to 'Mala' caste, which falls under scheduled caste community. Subsequently as per the G.O.Ms.No.282, S.W. (J2) Dept., dated 19.12.1988, the Joint Collector, Nizamabad contemplated an enquiry in the matter. In the course of enquiry, it came to light that the individual had produced a false certificate claiming to be scheduled caste. Therefore, under the impugned notice the petitioner was given one more opportunity to offer his reply, if any, in defence for the proposed termination from service within 15 days from the date of receipt of the said notice.

3. I am of the opinion, against a show cause notice, no writ petition is maintainable unless and until some extraordinary grounds, such as, jurisdiction etc., are called in question.

4. At the time of admitting the writ petition, this Court granted stay of the impugned proceedings. Now, it is more than 11 (eleven) years. The petitioner did not reply the show cause

notice. In fact, the show cause notice was issued only on the ground that earlier an opportunity was given to him, but he did not avail such opportunity. Therefore, to give one more opportunity, the present impugned show cause notice was issued.

5. Under those circumstances, without expressing any opinion on merits, the petitioner is directed to submit his explanation to the impugned show cause notice dated 20.02.1995 within a period of four weeks from the date of receipt of this order. On such explanation being submitted by the petitioner, the same shall be entertained and considered by the first respondent, as per law, after putting the petitioner on notice and hearing him personally, if necessary. Till such time, no further action can be taken against the petitioner.

6. The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J.

Date: 12th September 2006.
BSB